

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

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MARILYN HUERTERO, individually and as :  
G/A/L for JONATHAN ARRIAGA (infant), :

Plaintiffs, :

v. :

UNITED STATES OF AMERICA, U.S. :  
DEP'T OF HEALTH & HUMAN SERVICES, :  
and JOHN & JANE DOES #1-10, :

Defendants. :

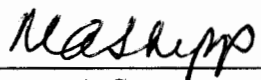
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Civil Action No. 13-3739 (MAS)(LHG)

**ORDER**

This matter comes before the Court upon the motion to dismiss of Defendants United States of America (the "Government") and United States Department of Health and Human Services ("HHS") (collectively, "Defendants") pursuant to Federal Rule of Civil Procedure 12(b)(1). (Defs.' Br., ECF No. 12-1.) Plaintiffs Marilyn Huertero, individually and as Guardian Ad Litem for her infant son, Jonathan Arriaga (collectively, "Plaintiffs") filed Opposition. (Pls.' Opp'n, ECF No. 15.) Defendants filed a Reply. (Defs.' Reply, ECF No. 18.) The Court has carefully considered the Parties' submissions and decided the matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons stated in the Memorandum Opinion filed today, and other good cause shown,

IT IS on this 30<sup>th</sup> day of April, 2014, **ORDERED** that, pursuant to Rule 12(h)(3), Defendants' Motion to Dismiss is GRANTED.

  
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MICHAEL A. SHIPP  
UNITED STATES DISTRICT JUDGE